



(1) ADOPTS the Report and Recommendation issued on October 23, 2008;

(2) DENIES the Motion to Dismiss Petition [Doc. 10] filed on September 26, 2008,  
by respondent Jones; and

(3) ORDERS as follows:

(a) this matter is hereby STAYED until thirty (30) days after Waddel has exhausted his state court remedies by pursuing post-conviction relief regarding the matters in his unexhausted claims in the District Court for Comanche County, Oklahoma, and if necessary, the Oklahoma Court of Criminal Appeals;


(b) Waddel is ADVISED that this stay is conditioned upon proof that he has filed an application for post-conviction relief in the District Court for Comanche County, Oklahoma, within thirty (30) days of the date of this Order;

(c) Waddel is further ADVISED that he shall file in this matter a copy of his application for post-conviction relief that bears a file stamp that shows the date the application was filed in the District Court for Comanche County, Oklahoma; and

(d) Waddel is ADVISED that his failure to comply with this Court's Order may result in dismissal of the instant matter.

The Clerk of the Court is DIRECTED to administratively terminate this matter in his records in accordance with this Order while this matter is stayed and until further Order of the Court.

ENTERED this 17<sup>th</sup> day of November, 2008.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE